SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
PANCHAYATI RAJ
RURAL DEVELOPMENT DEPARTMENT
GANGTOK

No. 061/PR/RDD/2025 **Dated: 06.12.2025**

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 130 read with sub-section (2) of section 13 and sub-section (2) of section 50 of the Sikkim Panchayat Act, 1993 (Act No. 6 of 1993), the State Government is hereby pleased to make the following rules further to amend the Sikkim Panchayat (Conduct of Election) Rules, 1997, namely: –

Short title and commencement

1. 1) These rules may be called the Sikkim Panchayat (Conduct of Election) (Amendment) Rules, 2025.

2) They shall come into force on the date of their publication in the Official Gazette.

Substitution of reference by certain other expression

2. Throughout the said rules:

a) for the words "Civil Judge", wherever they occur, the words "Prescribed Authority" shall be substituted;

b) for the word "trial", wherever it occurs, the word "proceeding" shall be substituted;

c) for the words "District and Session Judge", wherever they occur, the words "Appellate Authority" shall be substituted;

d) for the word "tried", wherever it occurs, the word "proceeded" shall be substituted.

Amendment of Rule 2

3. In the said rules, in rule 2, after clause (a), the following shall be inserted, namely: –

"(ab) 'Appellate Authority' means the Secretary to the Government of Sikkim in the Panchayati Raj;"

Amendment of rule 88

4. In the said rules, in rule 88, in sub-rule (1), for the words "Civil Judge having jurisdiction over the Panchayat ward/Territorial constituency in respect of which the election is being challenged" the words "Prescribed Authority" shall be substituted.

Amendment of rule 90

5. In the said rules, in rule 90, for existing clause (c), the following shall be substituted, namely: –

"(c) shall be signed and verified by the petitioner."

Insertion of new rule 92A

6. In the said rules, after rule 92, the following shall be inserted, namely: –

"92A. Powers of Prescribed Authority. –

The Prescribed Authority shall, in the performance of their function, have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying an election petition in respect of the following matters, namely: –

a) summoning and enforcing the attendance of witness;

b) requiring the production of any documents;

c) requisitioning any public record from any office;

d) such other powers as may be necessary.

Amendment of rule 96

7. In the said rules, in rule 96: -

a) in sub-rule (1), in proviso, clause shall be omitted;

b) sub-rule (2) shall be omitted.

Omission of rule 114

8. In the said rules, rule 114 shall be omitted.

Insertion of rules 114A, 114B, 114C, 114D and 114E

9. In the said rules, after rule 114, the following shall be inserted, namely: –

"114A. Filing of Appeal. –

1) Any person aggrieved by an order passed by the Prescribed Authority may prefer an appeal to the Appellate Authority within thirty (30) days from the date of the order.

2) The appeal shall be in writing, duly signed by the Appellant or any authorized representative and shall be accompanied by:

   a) a certified copy of the order appealed against;

   b) all relevant documents supporting the grounds of appeal;

   c) the Appellate Authority may entertain an appeal filed after the prescribed period if it is satisfied that there was sufficient cause for the delay.

114B. Procedure for Disposal of Appeal. –

1) The Appellate Authority shall provide an opportunity of filing Written Objection/Counter-Reply and of hearing to all parties concerned.

2) The Appellate Authority may call for records from the Prescribed Authority and may require additional evidence or clarification as deemed necessary.

3) The Appellate Authority shall follow, as far as practicable, the procedure laid down for the hearing of appeal under the Code of Civil Procedure, 1908.

114C. Powers of the Appellate Authority. –

The Appellate Authority shall have the powers to: -

a) summon and hear the parties;

b) direct production of documents and records;

c) issue interim order(s) including stay of the impugned order;

d) confirm, modify, reverse or set aside the order of the Prescribed Authority with directions for reconsideration.

114D. Time Limit. –

The Appellate Authority shall dispose of the appeal within sixty (60) days from the date of filing of the appeal.

114E. Intimation to State Election Commission. –

As soon as an appeal is decided, the Appellate Authority shall send an authenticated copy of the decision to the State Election Commission and upon its receipt, the State Election Commission shall publish the same in the Official Gazette."

Amendment of rule 119

10. In the said rules, for existing rule 119, the following shall be substituted, namely: –

"119. Execution of orders as to costs. –

The prescribed authority may execute its order as to costs in the same manner as an order of a civil court, and for that purpose shall have all the powers of such court."

Insertion of rule 125

11. In the said rules, after rule 124, the following shall be inserted, namely: –

"125. Savings. –

Anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules."

Amendment of Chapter XII

12. In the said rules, Chapter XII shall be renumbered as "Chapter XI".

Dushyant Pariyar
Secretary
Panchayati Raj
Rural Development Department